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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,359	10/31/2005	Lcong Loke Ng	ISA-035.01	1567

63767 7590 01/04/2007  
FOLEY HOAG, LLP  
PATENT GROUP, (w/ISA)  
155 SEAPORT BLVD.  
BOSTON, MA 02210-2600

EXAMINER
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STOKLOSA, JOSEPH A

ART UNIT	PAPER NUMBER
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3762

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	01/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/532,359	NG, LEONG LOKE	
	Examiner	Art Unit	
	Joseph Stoklosa	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, 8, 9, 21-23, drawn to a screening method for LVSD

Group II, claim(s) 6-7, drawn to algorithms for determining LVSD.

Group III, claim(s) 10-14, drawn to a screening method for LVSD without assigning weighting values

Group IV, claim(s) 15-19, drawn to deriving a heart failure indicator through the QRS, JT, and/or QT interval.

Group V, claim(s) 18, drawn to an apparatus for measuring QRS, QT, or JT intervals.

Group VI, claim(s) 19, drawn to an apparatus for indicating heart failure.

Group VII, claim(s) 20, drawn to a kit of parts including a biomarker measurer, ECG, and QRS, QT, and JT interval measuring device.

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2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

3. Group I does not require an algorithm, does require assigning weighting factors to biomarker and ECG trace, does not require measuring a QRS, QT, or JT interval, does not require an apparatus to measure the QRS, QT, or JT interval, does not require an apparatus to perform the ECG as well as measure the QRS, QT, or JT interval, and does not require a kit of parts for performing the ECG and measurement of the QRS, QT, or JT interval.

4. Group II does not require does require assigning weighting factors to biomarker, does not require deriving heart failure indicator based on abnormality factors, does not require measuring QRS, QT, or JT interval, does not require an apparatus to perform the ECG as well as measure the QRS, QT, or JT interval, and does not require a kit of parts for performing the ECG and measurement of the QRS, QT, or JT interval.

5. Group III does not require assigning weighting factors to biomarker, does not require an algorithm, does not require an apparatus to measure the QRS, QT, or JT interval, does not require an apparatus to perform the ECG as well as measure the QRS, QT, or JT interval, and does not require a kit of parts for performing the ECG and measurement of the QRS, QT, or JT interval.

6. Group IV does not does not require assigning weighting factors to biomarker, does not require an algorithm, does not require an apparatus to measure the QRS, QT, or JT interval, does not require an apparatus to perform the ECG as well as measure

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the QRS, QT, or JT interval, and does not require a kit of parts for performing the ECG and measurement of the QRS, QT, or JT interval.

7. Group V does not does not require assigning weighting factors to biomarker, does not require an algorithm, does not require measuring a QRS, QT, or JT interval, does not require an apparatus to perform the ECG as well as measure the QRS, QT, or JT interval, and does not require a kit of parts for performing the ECG and measurement of the QRS, QT, or JT interval.

8. Group VI does not does not require assigning weighting factors to biomarker, does not require an algorithm, does not require measuring a QRS, QT, or JT interval, does not require an apparatus to measure the QRS, QT, or JT interval, and does not require a kit of parts for performing the ECG and measurement of the QRS, QT, or JT interval.

9. Group VII does not does not require assigning weighting factors to biomarker, does not require an algorithm, does not require measuring a QRS, QT, or JT interval, does not require an apparatus to measure the QRS, QT, or JT interval, does not require an apparatus to perform the ECG as well as measure the QRS, QT, or JT interval,

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Stoklosa whose telephone number is 571-272-1213. The examiner can normally be reached on Monday-Friday 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

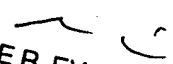
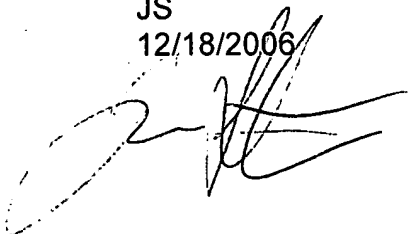
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joseph Stoklosa  
Examiner  
Art Unit 3762

JS

12/18/2006



GEORGE R. EVANISKO  
PRIMARY EXAMINER

12/21/06